

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BENAJMIN RICH :  
  
Plaintiffs, : ORDER  
: 21 Civ. 3835 (AT) (GWG)  
-v.- :  
STATE OF NEW YORK et al., :  
  
: Defendants.  
-----X

GABRIEL W. GORENSTEIN, United States Magistrate Judge

Defendants Shipla Kalra, David Nasar, New York County District Attorney's Office, and Cyrus Vance, Jr. have filed a motion to dismiss that relies on materials outside the pleadings. It is the Court's intention to treat this motion as one for summary judgment as explained in the separate Local Civil Rule 12.1 Notice that was served on the plaintiff. If plaintiff seeks to contradict any facts asserted in that motion, including the facts stated in the Declaration of Corey S. Shoock, dated June 17, 2022, with attachments, he is directed to provide sworn statements or other testimony contradicting those facts or make an application pursuant to Fed. R. Civ. P. 56(d), as is more fully explained in the Local Civil Rule 12.1 Notice.

Plaintiff's opposition papers are due on July 18, 2022. Any reply may be filed by August 1, 2022.

SO ORDERED.

Dated: June 22, 2022  
New York, New York

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge